

Greg L. Lippetz (State Bar No. 154228)
glippetz@jonesday.com
Cora L. Schmid (State Bar No. 237267)
cschmid@jonesday.com
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650-739-3900

David N. Kuhn - State Bar No. 73389
Attorney-at-Law
144 Hagar Avenue
Piedmont, CA 94611
Telephone: (510) 653-4983
E-mail: dnkuhn@pacbell.net

Attorney for Plaintiff Gregory Bender

Attorneys for Defendant
International Business Machines
Corporation

E-FILED - 1/14/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Gregory Bender,

Plaintiff,

v.

International Business Machines
Corporation,

Defendant.

Case No. C09-01249-RMW

**STIPULATION AND []
ORDER RESCHEDULING
FURTHER CASE MANAGEMENT
CONFERENCE**

Pursuant to Civil L.R. 6-2, Defendant International Business Machines Corporation (“Defendant”) and Plaintiff Gregory Bender (“Plaintiff”) through their respective counsel, hereby jointly request that the Court change the time for the parties’ Further Case Management Conference, currently scheduled on January 15, 2010, at 10:30 a.m., to February 26, 2010, at 10:30 a.m., or anytime thereafter.

WHEREAS, pursuant to the October 30, 2009, Order After Hearing in this action (D.I. 35), a Further Case Management Conference in this action is scheduled for January 15, 2010, to work out a schedule for the case.

WHEREAS, the parties are currently attempting to resolve a dispute related to Plaintiff’s amended infringement contentions, and this Court has ordered that Defendant file its discovery

1 motion challenging Plaintiff's amended infringement contentions by January 13, 2010. (*See* D.I.
2 39.)

3 WHEREAS, the outcome of the parties' discovery dispute will impact the schedule for
4 this case, which is to be discussed at the Further Case Management Conference.

5 WHEREAS, the parties believe that, in the interests of efficiency and of avoiding
6 potentially unnecessary expenses, the Further Case Management Conference that is currently
7 scheduled for January 15, 2010, should be continued until February 26, 2010.

8 WHEREAS, the following time modifications have previously occurred in this case:

- 9 • On October 29, 2009, the Court temporarily relieved Defendant of its obligations
10 to produce technical information under the Federal Rules and its obligations to
11 serve its Patent L.R. 3-3 and 3-4 disclosures. (D.I. 30.) The Court affirmatively
12 left this stay in place on November 13, 2009. (D.I. 37.)
- 13 • On December 28, 2009, the Court extended the deadline for Defendant to file its
14 discovery motion pursuant to the Court's Order of November 13, 2009, (D.I. 37)
15 from December 28, 2009, until January 13, 2010. (D.I. 39.)

16 WHEREAS, the requested time modification would have no effect on the schedule for the
17 case as no schedule has yet been entered in this case.

18
19 THE PARTIES HEREBY STIPULATE THAT:

20 1. The Further Case Management Conference that is currently scheduled for January 15,
21 2010, at 10:30 a.m., is continued to February 26, 2010, at 10:30 a.m.

Respectfully submitted,

Dated: January 8, 2010

Jones Day

By: /s/ Gregory Lippetz

Greg L. Lippetz
State Bar No. 154228
JONES DAY
Silicon Valley Office
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650-739-3900

Counsel for Defendant International Business
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: January 8, 2010

By: /s/ David Kuhn

David N. Kuhn
Attorney-at-Law
144 Hagar Avenue
Piedmont, California 94611
Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 1/14/10,

By: 
THE HON. RONALD M. WHITE
United States District Court Judge